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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/848,904

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Barbara A. Christensen

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EXAMINER

VY, HUNG T

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/848,904

Applicant(s)

CHRISTENSEN ET AL.

Examiner

Hung T. Vy

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/19/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

**DETAILED ACTION
Specification**

1. The Applicant should finish to fill the blank in the page 1. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: line 5, the period at front of "comparator" should be removed. Appropriate correction is required.

Claim 2 is objected to because of the following informalities: the period at the end of claim should be removed. Appropriate correction is required.

Claim 21 is objected to because of the following informalities: line 11, the period at front of "comparator" should be removed. Appropriate correction is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the version property, dataset, user session, comparator must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 6, line 1, the phrase "synchronization of dataset object" renders the claim indefinite because it is not clear what is being synchronization. The claim does not recite any synchronization.

Claims 7-10 depend from rejected claim 6 thereby render these dependent claims indefinite.

Claim Rejections - 35 USC 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 1-21 are rejected under 35 U.S.C. 101 because the claims are directed to

a non-statutory subject matter, specifically, the claims are not directed towards the final result that is "useful, tangible and concrete".

(See State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02).

According to the New Guidelines of October 26, 2005, which states that "A claim limited to a machine or manufacture, which has a practical application, is statutory. In most cases a claim to a specific machine or manufacture will have a practical application. See Alappat, 33 F.3d at 1544, 31 USPQ2d at 1557)... a specific machine to produce a useful, concrete, and tangible result and State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02).

(Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility

<http://rs6.net/tn.jsp?t=mdmd7pbab.0.kbg76pbab.p9qiiibab.7440&p=http%3A%2F%2Fwww.uspto.gov%2Fweb%2Foffices%2Fpac%2Fdapp%2Fopla%2Fpreognotice%2Fguidelines101_20051026.pdf>)

Examiner requests Applicant to include in Applicant's claimed limitations (in all the claims) the following:

What is the practical application?

What is the result?

What is final result that is concrete, useful and tangible?

As in claims 1, 6, and 21, *An apparatus* does not produce a useful, concrete and tangible result as set forth in 2106 (IV)(B)(2)(b)(ii), e.g., *an update facility which updates said version list from said data base if said comparator finds said assumed version property does not equal said version property* (in claim 1, line 8) are not a useful, concrete and tangible result because an apparatus does not provide useful as **an**

update facility which updates said version list is still unknown if *said comparator does not find said assumed version property does not equal said version property*.

With respect to claim 6, *the method of maintaining synchronization of dataset object properties within a system permitting a plurality of instances of a given object* does not produce a useful, concrete and tangible result as set forth in 2106 (IV)(B)(2)(b)(ii), e.g. *updating said version list from said data base if said comparing step determines that said assumed version property is not the same as said version property* is not a tangible result because *updating said version list from said data base if said comparing step determines that said assumed version property is not the same as said version property* is not being used in the method of *maintaining synchronization of dataset object properties within a system permitting a plurality of instances of a given object* (what is being synchronization). The claim invention does not produce a useful because the process does not meet the requirement as recited in the preamble, e.g., *maintaining synchronization of data set*.

With respect to claim 11, and 16, because the “practical application, result, concrete, useful and tangible” limitations are not claimed in Applicant’s claims, Examiner believes that the above listed claims are nonstatutory.

The claims 2-5, 7-10, 12-15 and 17- 20 depend claims 1, 6, 11 and 16, so claims 2-5, 7-10, 12-15 and 17- 20 are nonstatutory.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-13, 16-18 and 21 are rejected under 35 U. S. C. § 102 (b) as being anticipated by Saether et al. (U.S. Pub. No. 2001/0042073).

With respect to claims 1, 6, 11-12, 16-17 and 21, as best understood, Saether et al. discloses an apparatus and a method of maintaining synchronization of dataset object properties (see abstract) within a system permitting a plurality of instances of a given object comprising: storing a version property (files, names and size, files, store content serve) within a data base containing said dataset object (see paragraph 0008,0009, 0085); preparing a version list (delivery list) (see 0032) associated with a user session containing an assumed version property (current version)(see figs. 1-6); requesting access to said dataset object from said user session (user)(see 0035, 0038,claim 8); comparing said assumed version property (current version) to said version property (see 0049-0050); and updating said version list from said data base if said comparing step determines that said assumed version property is not the same as said version property (see 0049-0067).

With respect to claims 2, 7, Saether et al. discloses a javascript object (see 0084).

With respect to claims 3, Saether et al. discloses plurality of data objects has a separate version property associated therewith (0085 or abstract).

With respect to claims 4-5, 9-10, 13,18, Saether et al. discloses user session (11)) is responsively coupled to said data base via a publically accessible digital data communication network (see fig. 1) and version properties is stored within said data base (server)(see fig. 1).

3. Claims 1-7, 9-13, 16-18 and 21 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Lees et al. (U.S. Pub. No. 2006/0184589).

With respect to claims 1, 6, 11-12, 16-17 and 21, as best understood, Lees et al. discloses an apparatus and a method of maintaining synchronization of dataset object properties within a system permitting a plurality of instances of a given object comprising: storing a version property (attributes) within a data base containing said dataset object (see fig. 4); preparing a version list (attribute list) (see 0050) associated with a user session containing an assumed version property; requesting access to said dataset object from said user session (i.e. administrated updating)(see 0020); comparing said assumed version property to said version property (see 0089 or fig. 12); and updating said version list from said data base if said comparing step determines that said assumed version property is not the same as said version property (see fig. 12).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2163

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 14-15, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saether et al. (U.S. Pub. No. 2001/0042073) in view of Applicant Admitted Prior Art (AAPA).

With respect to claims 8, 14-15, 19-20, Saether et al. discloses all limitations of claimed invention recited in claims 6, 11 and 16 except for version list is stored within a first memory which is faster than a second memory wherein data base is stored and Mapper data base management system. However, AAPA discloses version list is stored within a first memory which is faster than a second memory wherein data base is stored and Mapper data base management system (see page 2-3). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Saether et al.'s system by using the Mapper data base management system structure in order to have data base management system in an efficient multi-user environment for the stated purpose has been well known in the art as evidenced by teaching of AAPA (see first paragraph, page 2).


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Vy whose telephone number is 571-2721954. The examiner can normally be reached on 8.30am - 5.30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy
Art Unit 2163
October 20, 2006.



DON WONG
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